

REMARKS

Claim 1 was filed in the original application. Claim 1 is currently amended in the present Response to Office Action of February 15, 2005, and new Claims 2 - 20 have been added. Support for the new claims is found throughout the Specification at, for example, paragraphs of U.S. Pub. No. 20040236071: [0009]; [0010]; [0016]; [0023]; [0029]; [0034]; [0036]; [0048]; [0055] – [0058]; [0084]; [0102]; [0130]; [0148]; [0150]; [0163]; [0168] - [0172]; [0181]; [0194]; [0196]; [0205]; and [0285]. The amendments to the Specification do not add new matter. Therefore, Claims 1 - 20 are currently pending.

In the Office Action dated February 15, 2005, the Examiner makes one objection and two rejections. The currently pending objection and rejections are:

- 1.) The drawings are objected to because Figures 1-14 contain abbreviations for cell lines and alleles that are allegedly not defined in the drawing or Specification;
- 2.) Claim 1 is rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Chen *et al.* (15 June 1992) “Studies of the cloned 37-kDA subunit of activator 1 (replication factor C) of HeLa cells”. Proc Natl Acad Sci USA **89**(12): 5211-5 (hereinafter “Chen”).
- 3.) Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US 6,753,314 B1 (22 June 2004) Giot & Mansfield (hereinafter “US ‘314”).

Claim 1 is amended herein. The Applicants believe that the pending Claims are fully supported and are not taught by the prior art. Therefore Claims 1 – 20 should be passed into allowance. The Applicants note that amendments of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the U.S. Patent and Trademark Office's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended Claims (or similar Claims) in the future.

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

DRAWINGS

In the Office Action dated February 15, 2005, the Examiner objects to the drawings because Figures 1-14 contain abbreviations for cell lines and alleles that are not defined in the drawing or Specification. Accordingly, the Applicants have amended the section of the Specification entitled "**BRIEF DESCRIPTION OF THE DRAWINGS**" (page 15 of the original application) to include definitions for the abbreviations as requested by the Examiner. The amendments to the Specification do not add new matter. In view of the above, the Applicants respectfully request that this objection be withdrawn.

REJECTIONS

In the Office Action of February 15, 2005 the Examiner argues:

"Chen *et al.* teaches a polypeptide comprising the claimed amino acid sequence DKCLA (SEQ ID NO: 16), residues 335-339 of 37-kDa subunit of A1, thus meeting the limitations of claim 1 (Figure 1)." (Office Action of February 15, 2005, page 3.)

and:

"US '314 teaches a polypeptide comprising the claimed amino acid sequence DKCLA (SEQ ID NO: 16), SEQ ID NO: 1072 (residues 335-339 therein), thus meeting the limitations of claim 1 (sequence listing). (Office Action of February 15, 2005, page 4.)

With regard to both Chen and US '314 the Examiner asserts:"

"The transitional term "comprising, which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements. . . . Therefore any polypeptide which encompasses DKCLA (SEQ ID NO: 16) meets the limitations of claim 1 [see MPEP §2111.03]" (Office Action of February 15, 2005, page 5.)

In order to further the prosecution of the present case, while not acquiescing to the Examiner's argument, and retaining the right to prosecute the original claims (or similar claims) in the future, the Applicants have amended Claim 1 to recite "A composition comprising a synthetic shared epitope peptide, said peptide consisting of the sequence DKCLA [Asp Lys Cys Leu Ala] [SEQ ID NO: 16].", and added Claims 12 and 20 to recite "A composition comprising: a) a synthetic peptide consisting of the sequence DKCLA [Asp Lys Cys Leu Ala] [SEQ ID NO: 16]; b) an aqueous medium; and c) at least one compound selected from the group comprising a buffer, a preservative and a salt..", and "A synthetic peptide consisting of the sequence DKCLA [Asp Lys Cys Leu Ala] [SEQ ID NO: 16].", respectively. (Emphasis added.) The Examiner's cited references do not teach or suggest the peptide consisting of the recited sequence of the present invention. To the contrary, the Examiner's cited peptides contain additional amino acid sequences joined via amino acid linkages to the ends of the claimed sequence. In view of the above, the Applicants request that these rejections be withdrawn.

CONCLUSION

All grounds of rejection of the Final Office Action dated February 15, 2005, have been addressed, and reconsideration of the application is respectfully requested. It is respectfully submitted that the Applicant's Claims should be passed into allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Respectfully submitted,

Dated: 7/14/05



David A. Casimir
Registration No. 42,395

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900